

REMARKS/ARGUMENTS

Claims 1-8, 10, 12-20, 22-30, 32 and 33 remain in the application. Claims 1-8, 10, 12-20, 23-26 and 32 were rejected. Claim 22 was objected to. Claims 27-30 and 33 were allowed.

Claim Objections

Claim 22 was objected to as being dependent upon a rejected base claim. In response, Applicants have rewritten the claim in independent form.

Claim Rejections - 35 USC § 112

Claims 1, 3, 12, 13, and 15 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicants submit that the claimed subject matter was presented in original claims 9 and 21. Moreover, Applicants submit that the examiner indicated that 9 and 21 contained allowable subject matter in an Office Action dated August 8, 2003. Applicants subsequently rewrote the independent claims in to incorporate the allowable subject matter in response to that action. The Examiner issued an advisory action to that amendment and indicate that the amendment would not be entered.

Nevertheless, to advance the prosecution and to clarify the claim language, Applicants have amended the claims and submit that the rejection is overcome.

Claim Rejections - 35 USC §103

Claims 1-3, 4-6, 13-15, and 16-18, stand rejected under 35 U.S. C. 103(a) as being unpatentable over Franaszek et al (US Patent No.5,729,228), hereinafter Franaszek in view of Bigham (US Patent No.5,544,161), and further in view of Rostoker et al (US Patent No. 5,872,784), hereinafter, Rostoker, and Auld (US Patent No. 5,686,965).

Applicants' representative has amended independent claims 1, 3, 13 and 15 and submit that the claims as amended patentably define over the art of record for the reasons set forth below.

Applicants again note that the examiner has relied on four references to make the obviousness rejection. While the number of references alone may not be grounds for overcoming the rejection, it does warrant careful consideration of the combinations to insure that there is proper motivation to combine the references and to insure that the examiner has not engaged in using the claim as a template to pick and choose elements from the prior art.

Independent claims 1, 3, 13 and 15 have been amended to address the 112 rejection as noted above. Regarding the claims, as amended, Applicants' representative submits that the references fail to teach at least distributing the packets to the decoders in order. As such, claims 1, 3, 13 and 15 patentably define over the art of record. In as much as claims 2, 4-6, 14 and 16-18 depend from claims 1, 3, 13 and 15, applicants' representative submits that they also define over the art of record.

Claims 7-8, 10-12, 19-20, 23-26 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Franaszek et al** (US Patent No. 5,729,228), hereinafter **Franaszek** in view of **Bigham** (US Patent No. 5,544,161), and further in view of **Rostoker et al** (US Patent No. 5,872,784), hereinafter, **Auld** (US Patent No. 5,686,965) **Rostoker** and **Schwartz et al** (US Patent No. 5,717,394), hereinafter **Schwartz**.

Again, Applicants' representative notes that the examiner relied on an inordinate number of references to purported find that the invention was unpatentable.

Applicants' representative submits that claims 7-8, 10, 19-20, 23-26 and 32 depend from claims 1, 3, 13, and 15 and as such patentably define over the cited references for the reasons set forth above.

With respect to claim 12, that claim has been amended to address the 112 rejection as noted above. Regarding the claim, as amended, Applicants' representative submits that claim 12 patentably defines over the cited references. In the rejection, the examiner indicated:

Regarding claims 11-12 and 24-25, Franaszek in view of Bigham, Rostoker and Auld do not disclose expressly header information including tag; and distribution of packets to separate decode units on the basis of tag.

Action p. 6.

The examiner purported to find the distribution of packets based on a tag as follows: Schwartz discloses, in reference to fig. 3, a preface header containing pointers (tag) to the beginning of bit location of each bit stream, refer to col. 8, lines 21-22; and retrieval of packets from the proper location via proper pointer (tag), refer to col. 8, lines 29-31.

Action p. 6.

Applicants' representative submits that even when all of the references are combined, the claimed invention is not taught. The fact that Schwartz teaches pointers (as suggested by the examiner) does NOT lead to the conclusion that it teaches the use of tags for the distribution of packets. The application for example describes tags as:

Each packet can start with a fixed-length tag which directs each packet to a specific decoder unit. Since each packet has a fixed-length with a tag field for directing, a distributor can efficiently send different packets to different decoder units which can then process the packets in parallel.

Application p. 5.

That claimed element is simply absent from all of the references cited by the examiner, and is absent from Schwartz in particular. Hence, applicants' representative submits that the examiner has failed to establish a prima facie case of obviousness of claim 12 for at least the reason described.

DOCKET NO.: MSFT-0975 / 191722.01
Application No.: 09/099,742
Office Action Dated: FEBRUARY 20, 2004

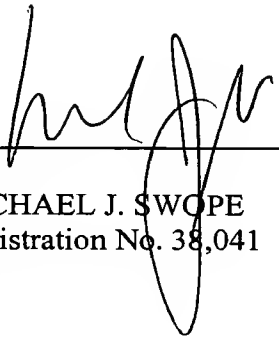
PATENT

CONCLUSION

Applicants' representative submits that claims 1-8, 10, 12-20, 22-30, 32 and 33 are in condition for allowance.

Date: May 18, 2004

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439



MICHAEL J. SWOPE
Registration No. 38,041